THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2104 of 2007

Date: 06.02.2007

Between:

Smt Kothapalli Muthyalamma and another.

....Petitioners

And

Government of Andhra Pradesh, rep. By its Principal Secretary, Revenue, Secretariat, Hyderabad and another.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2104 of 2007

O R D E R:

Petitioners state that they are the owners and possessors of land admeasuring Ac.1-88½ cents in Survey Nos.139/3, 139/1, 190/3 and 194/3 of Venkatapuram Village, Pendurthi Mandal, Visakhapatnam District. It is also stated that they intended to sell the said land and entered into an agreement of sale with the intending purchaser, and approached the second respondent for registration of the same. The grievance of the petitioner is that the second respondent is not accepting the document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said Survey Number. This writ petition is filed seeking appropriate directions to the respondents, in this regard.

Heard the learned counsel for the petitioners and the learned Government Pleader

for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]***.***

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Stamp Act and the Registration Act.

Hence, the Writ Petition is disposed of, directing the second respondent to receive and process the document presented by the petitioners and take necessary steps, in accordance with the provisions of the Stamp Act and the Registration Act, within one (1) week from the date of receipt of a copy of this order. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Date: 06.02.2007

Note: Issue C.C. in three days.

(B/o)

JSU

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[1] AIR 2005 SC 3401 = (2005) 12 SCC 77